

REMARKS

Claims 1, 7 and 10-20 are now pending in this application. Claims 1, 7 and 10 have been amended in this response. Claim 5 has been cancelled in this response. New claims 11-20 have been added in this response. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 101

Claims 1, 5, 7 and 10 stand rejected under 35 U.S.C. § 101 because the claimed invention is said to be directed toward non-statutory subject matter. Specifically, the Examiner states that independent claim 1 is not tied to any particular apparatus and is therefore not a patent-eligible method.

Applicant has amended claims 1, 7 and 10, and has added new claims 11-20 to further clarify the invention. Specifically, Applicant has demonstrated, through the amended and new claims, that the present invention is indeed tied to more than one particular apparatus as required by the Supreme Court precedent and recent Federal Circuit decisions cited by the Examiner, and therefore represents a patent-eligible process under 35 U.S.C. § 101. Accordingly, Applicant is not attempting to patent an idea, but is instead employing the use of more than one specific apparatus to accomplish the intended method. *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972). In addition, the current claims, as amended, do not seek to claim a non-transformative process that encompasses a purely mental process without the aid of a computer or any

other device, as prohibited by the Court of Appeals for the Federal Circuit's recent decision in *In re Bilski*, 2007-1130, Maj. Slip Op. at 31 (Fed. Cir. 2008).

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 5 and 7 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Creswell et al. (U.S. Patent No. 6,823,318). Applicant respectfully submits that the claim amendments made herein to clarify the invention also serve to distinguish the present invention from the Creswell reference. Specifically, Applicant submits that the Creswell reference fails to disclose a customer depositing an amount of cash with an account seller, the account seller electronically notifying a central computer server of the amount of cash received from the customer; the central computer server transferring an amount of electronic currency corresponding to the amount that the account seller received from the customer from a bank account of the account seller to one or more central bank accounts having one or more account numbers; the central computer server generating, storing and issuing to the account seller one or more anonymous and randomly-generated serial numbers corresponding to the account number(s); the account seller providing the serial number information to the customer; the customer submitting at least one serial number to the on-line merchant to purchase goods or services, the on-line merchant, upon receipt of the serial number(s) submitted by the customer, transmitting the serial number(s) to the central computer server for authentication; the central computer server authenticating the serial number(s); and the central computer server transferring an amount of said electronic currency corresponding to the serial number(s) to an account of the on-line merchant.

Also, as stated previously, the Creswell reference does not disclose a method that provides total anonymity, as in the present invention (as now amended). The Creswell reference is clearly concerned with only two subsets of total anonymity in the sale of goods or services, namely: (1) remaining anonymous with respect to the vendor; and (2) avoiding having personal information available to computer hackers (see col. 1, lines 24-26; col. 1, line 47). However, the Creswell reference fails to maintain anonymity with respect to any other party, such as the telephone company, the credit card issuer, the internet service provider, potential internet hackers, etc.

The Creswell reference discloses a method of purchasing an item involving several steps. First, the purchaser identifies the item desired for purchase over the Internet on a vendor server (col. 1, lines 52-54). This is not an anonymous step relative to at least the internet service provider (and perhaps the vendor server as well), as the IP address of the purchaser is identified through appropriate records. The Creswell reference even admits that security of the vendor server 24 operating over the Internet is not high (col. 2, lines 42-45). Next, the purchaser places a telephone call over a telephone network to a billing server. During that telephone call, the billing server receives a billing amount for the item and a financial account, and provides a confirmation number to the purchaser (col. 1, lines 54-59). This step is also not anonymous, as records of the telephone call are available to both the telephone company and to the billing server (such as through Caller ID). In addition to preventing total anonymity, the required use of a telephone network for the step of contacting the billing server and the use of the internet (through an appropriate internet service provider) for the subsequent step of providing the orally-received confirmation number

to the vendor are cumbersome extra procedures that are time-consuming and prone to copying errors, thereby inhibiting commercial use. This is especially true since telephone call quality (especially through customer service call centers) is often poor (including dropped calls) and any confirmation numbers used in such a system would necessarily have to be long and complex to protect the security of the system.

Payment by the purchaser to the vendor can be handled in two different ways according to the Creswell reference. In the first method (beginning at col. 2, line 16), a purchaser uses a prepaid card as the billing device (col. 2, lines 61-63). However, this step would only maintain total anonymity if the prepaid card were purchased in some anonymous manner, such as by being paid with cash, and by having been purchased through some method where the purchaser's identity did not become known. Since the Creswell reference is completely silent regarding the importance of maintaining anonymity for the financial aspect of the transaction, this shows that the Creswell reference is clearly concerned only with anonymity with respect to the vendor and computer hackers, but no one else.

The second method contemplated by Creswell for payment from the purchaser to the vendor (beginning at col. 3, line 8) involves use of a credit card by the purchaser as the billing device. Because use of a credit card is clearly not anonymous, this further shows that the Creswell reference is directed only towards anonymity with respect to the vendor and computer hackers, but no one else.

Even though the Creswell reference contemplates that both the confirmation number and the optional "cancel code" (col. 3, lines 58-59) can be encrypted for increased security (col. 4, lines 1-3), these additional steps would still only affect

anonymity towards the vendor and computer hackers, but not toward all parties. In addition, the use of a public switched telephone network ("PSTN") contemplated as a more secure alternative to transmitting personal information over the Internet (col. 5, lines 8-13) clearly shows a lack of maintaining total anonymity, as such a transmission method results in personal data about the user being stored in a computer system.

On the other hand, the method of the present invention maintains total anonymity with regard to all parties by purchasing anonymous accounts (having assigned random, anonymous serial numbers) with cash, and through transactions not conducted over a telephone network or the Internet. For these reasons, it is respectfully submitted that the Creswell reference does not appreciate or disclose the features of the present invention, and it is therefore respectfully requested that the present objection based on this reference be withdrawn.

REJECTION UNDER 35 U.S.C. § 103

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Creswell et al. (U.S. Patent No. 6,823,318) in view of DiMaria (U.S. Pat. No. 6,148,091). The comments set forth above with respect to the Creswell reference also apply to this objection.

In addition, as set forth in the previous response, Applicant submits that the encoding of age data in an official document, as disclosed in DiMaria, is not the same as merely attaching an age-identifier (which itself does not disclose the customer's identity) to a random serial number (which also does not disclose the customer's identity). Applicant believes that the addition of information about a customer's age to

an otherwise randomly generated serial number does not make the underlying serial number any less random. Instead, the addition of this information to the serial number maintains confidentiality of the customer's identity, while providing a way to prevent access to a website or decline a purchase based on the user's age.

For these reasons, it is submitted that the combination of the Creswell and DiMaria references cannot yield the present invention, as presently claimed, and it is respectfully requested that the current objection based on the combination of the Creswell and DiMaria references be withdrawn.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly addressed. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this response is respectfully requested. Should the Examiner have any questions about this submission, or wish to discuss the application, the present Amendment or the cited references further, the Examiner is invited to telephone the undersigned attorney directly at (248) 641-1239.

Respectfully submitted,

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